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1914
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# The Mill

## A Drama in Four Acts

by

Moses L. Malevinsky

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MOSES L. MALEVINSKY

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## FOREWORD.

This play is written around a feminist—a modern woman—a woman who violated the convention of married life—a woman who was the immediate cause of her husband's suicide—a woman who killed the man who furnished the money that built her fortune—yet a woman whom all who know her story, and who know life, will love and respect.

THE AUTHOR.

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No 1

## CAST OF CHARACTERS.

GREGORY, a butler in the Hawthorne home.

CELESTE, a maid in the Hawthorne home.

ROBERT HAWTHORNE, owner of the Hawthorne flour mill.

HOPE HAWTHORNE, his daughter.

GEORGE BURNS, a young lawyer, son of John Burns

JACQUES LA SALLE, a portrait painter.

MARY HAWTHORNE, wife of Robert Hawthorne.

WILLIAM ERSKINE, a banker.

JOHN BURNS, owner of the Burns flour mill.

JANE, PEGGY, MADELINE and VIVIAN. — Members of the New York Models' Union.

FIRST COURT OFFICER, SECOND COURT OFFICER, THIRD COURT OFFICER. — Attendants upon the Supreme Court. New York County.

JACK AUSTIN, District Attorney, New York County.

RICHARD BREWSTER, Justice of the Supreme Court of New York County.

ARTHUR MOORE, Clerk of the Supreme Court of New York County.

COURT STENOGRAPHER, JURORS, MILL HANDS.

JAMES SMITH, foreman of the Burns mill.

| | |
|---|---|
| File Clerk, | WINAFRED WELLES. |
| 1st Stenographer, | MAUD PRICE. |
| 2nd " | MAMIE STRONG. |
| 3rd " | ESTELLE FORREST. |

Act I. Library in Robert Hawthorne's home, East 37th Street, New York City. An October evening.

Act II. Studio of Jacques La Salle, Central Park South, New York City. One year later.

Act III. Supreme Court, New York County, Part I, Criminal Branch. Three months later.

Act IV. The John Burns flour mill, East River, near New York end Brooklyn Bridge. (The morning after the jury is instructed.)

Time: The present.

## ACT I.

*Discovery*:

GREGORY — CELESTE — in library, Robert Hawthorne's home.

GREGORY.

This is a tiresome life—always waiting on someone.

CELESTE.

I'll be fired Saturday.

GREGORY.

Why?

CELESTE.

Month's up.

GREGORY.

Why fired?

CELESTE.

Breaking that miniature.

GREGORY.

How did it happen, anyway?

CELESTE.

Didn't see it—dusting Mrs. Hawthorne's dresser—just as things usually happen—when they fall—generally break.

GREGORY.

That's no cause to fire you.

CELESTE.

Mr. and Mrs. Hawthorne are all broke up about it.

GREGORY.

You were careless.

CELESTE.

I hadn't broken a thing in a year.

GREGORY.

Oh, you won't be fired.

CELESTE.

I'd be blue for sure if I am.

GREGORY.

So would I.

CELESTE.

Mrs. Hawthorne has been awfully good to me—no driving—no scolding—she's a sweet woman—so fair to everybody.

GREGORY.

That's so—she's square—that's why you won't go.

CELESTE.

I don't know—she's worried—she's brooding over it.

GREGORY.

That will pass away.

CELESTE.

She said to me today it was an evil omen—whatever that means.

GREGORY.

Means a bad sign.

CELESTE.

That's how I take it—bad sign for me.

(The bell rings and Gregory admits Robert Hawthorne.)

HAWTHORNE.

My, but it's a frosty night. Is my wife at home?

CELESTE.

No, sir, Mrs. Hawthorne said she might be very late—that you should not worry, sir.

HAWTHORNE.

I hate to come home and not find my wife at home—did she say where she was going?

CELESTE.

To the Duffys sir—young Duffy's arm was cut off yesterday.

HAWTHORNE.

Yes, I know.

CELESTE.

Mrs. Hawthorne intended shopping some for the Duffys sir.

HAWTHORNE.

Yes.

CELESTE.

She felt sure that they would be in need of food and clothing, sir.

GREGORY.

No doubt, Mr. Hawthorne—young Duffy losing his arm in the mill will make it very hard for that family this winter.

HAWTHORNE.

Yes—Mrs. Duffy is a widow, and has three small children besides Joe.

GREGORY.

Too bad.

HAWTHORNE.

Joe is only nineteen years old. It's a said misadventure.

(The bell rings and Gregory admits La Salle.)
(Gregory and Celeste retire.)

LA SALLE.

Ah! Good evening, Mr. Hawthorne. I finished repairing your wife's miniature today. I thought you would be anxious to see it—I am very proud of my work. It is almost perfect—just take a look.

HAWTHORNE.

I sincerely hope the work is well done—the breaking of that miniature chills me to the marrow every time I think of it.

LA SALLE.

Are you superstitious?

HAWTHORNE.

Not exactly—but I have been dreading ill luck ever since it happened—I don't know why.

LA SALLE.

Some people are superstitious about a thing of this kind.

HAWTHORNE.

My! It's a beautiful piece of work! Can the break be detected in any degree—I do not seem able to discover it—no, I do not see a sign of it.

LA SALLE.

It cannot be seen with the naked eye—of course, with this glass you can see it.

HAWTHORNE.

Yes—with the glass—it—is—very—plain.

LA SALLE.

That's the rub—you will always know the break is there.

HAWTHORNE.

It's a misfortune.

LA SALLE.

You may mend; you may paint; you may repair—but, like a broken ideal, the knowledge of its fracture makes the loss the more real.

HAWTHORNE.

This hangs over me like a pall.

LA SALLE.

You must forget it.

HAWTHORNE.

I'd give five years of my life if this thing hadn't happened.

LA SALLE.

But it has happened—why worry?

HAWTHORNE.

Something tells me all is not well.

LA SALLE.

(Handling the miniature.)

Your wife is a very beautiful woman. You must be very happy.

HAWTHORNE.

Yes, we are very happy. My wife and I have never had what you would really call a quarrel in all the twenty years that we have been married.

LA SALLE.

That is very beautiful.

HAWTHORNE.

My wife has never said an unkind thing to me in her life.

LA SALLE.

You must love her very much.

HAWTHORNE.

I do, very much—why have you never married, La Salle?

LA SALLE.

Oh, I don't know—maybe I've painted too many modern women.

HAWTHORNE.

I should think in that way you would learn to be a good judge of character. You might make a much better selection.

LA SALLE.

One likewise more readily discovers imperfections.

HAWTHORNE.

It wouldn't do if there was too much perfection in women.

LA SALLE.

It is not essential to have perfection. However, one's point of view becomes narrowed fixing up the wrinkles and seams.

HAWTHORNE.

You don't know the joy and happiness of being married to a good, noble and wholesome woman—my life would be an aching void but for my wife.

LA SALLE.

Oh, I know what a happy married life means.

HAWTHORNE.

But you were never married.

LA SALLE.

No, but I was brought up by very thrifty, sober and decent parents.

HAWTHORNE.

Then you do know.

LA SALLE.

A happy home—yes, indeed; there is nothing in the world like it.

HAWTHORNE.

You must miss it.

LA SALLE.

Sometimes I am—very—very—lonesome—now, if I had a wife like yours—

HAWTHORNE.

(Lights a cigarette after La Salle takes one. Hawthorne seats himself in a big arm-chair near gas log, La Salle standing back a little.)

Mary is a wonderful girl—she has been a wonderful wife to me—you know, La Salle, I inherited that mill—it never was any good; it almost broke my father—

LA SALLE.

Is that so? I thought you constructed it.

HAWTHORNE.

I should say not; that mill was almost a noose around my neck.

LA SALLE.

Who saved you from the hangman?

HAWTHORNE.

Mary—I remember—as if it were yesterday—when she asserted her right—to help me fight the battle—came into the fray, as it were.

LA SALLE.

She is a very smart woman.

HAWTHORNE.

Little Hope was just six years old—our little boy, Tad, had died—Mary worshipped Tad—a little golden haired kid of a boy—it almost broke her heart—poor girl.

LA SALLE.

How did she come to take a hand and an interest in your mill?

HAWTHORNE.

It was like this—we had been having a great many strikes in the mill—the panic came on—I was in a hard row of stumps—blue—indigo is a pale shade compared to my complexion at that time.

LA SALLE.

Well, naturally she would give you moral encouragement.

HAWTHORNE.

She did much more than that. I was just about ready to give up the ship—when she took the helm.

LA SALLE.

Was she a good sailor?

HAWTHORNE.

I should say so—it's been a hard, uphill fight—but she is a brick. Some time in 1908 I made her Treasurer of the mill.

LA SALLE.

She didn't know anything about financing, did she?

HAWTHORNE.

Finest little financier you ever knew. She's floated every bond issue—we doubled the capacity of our mill twice—never missed a payroll—have a fine credit in the big banks—we discount all our purchases—pay spot cash for all our supplies—all her work.

LA SALLE.

She must be a wizard.

HAWTHORNE.

She is wonderful.

(Hope comes down stairway in hall and enters library, running up to her father and kissing him.)

HOPE.

Hello, dad. Good evening, Mr. La Salle—how is my bully old dad? My, but I'm excited!

HAWTHORNE.

What about?

LA SALLE.

Yes, tell us what's in the wind.

HOPE.

I had the greatest time of my sweet young life this afternoon.

HAWTHORNE and LA SALLE.
(Together.)

What did you do?

HOPE.

Organized a Union—you bet—that's what I did.

LA SALLE.

Union of what?

HOPE.

Working girls—models—lots of them know you, Mr. La Salle—some I met have posed for you—

HAWTHORNE.

Now, La Salle, you are in for trouble.

HOPE.

A dandy lot of girls—you ought to have heard my speech—let me tell you—girls are wonderful—

LA SALLE.

There are wonderful girls in the world—no doubt about that.

HOPE.

You'd be surprised to know how many of those girls are sending money home to their mothers.

HAWTHORNE.

What did you discuss?

HOPE.

Suffrage—woman's rights—you know, dad, there is something terribly wrong with the world when girls have to be sending money home to their mothers.

LA SALLE.

Why not?

HOPE.

What's the matter with their fathers?

HAWTHORNE.

Poor fathers!

HOPE.

And what do you think, dad, I have prevailed on George Burns to make his maiden public speech tonight. He's going to address the Models' Union on Woman's Suffrage. I am expecting him here now every minute.

(The bell rings and Gregory admits Mrs. Hawthorne and George Burns. They enter the library.)

MARY.

Hello, Robert—how is everybody—Hope, dear, I happened to meet Mr. Burns at the door. He says he is going to take you to Hyacinth Hall—meeting of some kind—tell me. The car is at the door—you had better use it.

HOPE.

Yes, mother, we finally organized the Models' Union this afternoon and George is going to make his first public speech—isn't it splendid—George, I wonder what your father will say when he finds out what's going on.

GEORGE BURNS.

Father is running his mill—I am running my law office—incidentally myself—when a fellow gets his law going through a night law school, after working all day—he knows that a flour mill isn't the only kind of a mill—there aren't anything but mills in this world, and you've got to grind and grind and grind.

LA SALLE.

Or be ground.

HOPE.

George, we had better go to the meeting. It might get away from us. You know some of those girls don't believe in votes for women. Goodnight, mother; goodnight, dad.

(Hope kisses her parents goodnight.)

Goodnight, Mr. La Salle.

MARY.

Don't stay out too late, Hope.

GEORGE BURNS.

I'll take good care of Miss Hope, Mrs. Hawthorne.

HOPE.

Thank you. We believe in women taking care of themselves, don't we, mother?

(Burns and Hope leave.)

HAWTHORNE.

Mary, La Salle has returned your miniature. He deserves your warmest congratulations. The work is fine.

MARY.

It does seem to be perfectly put together, doesn't it—but, the pity of it all—Robert, dear—you and I will always know it was broken—we will always know.

HAWTHORNE.

Never mind, sweetheart, tell me about your day. Tell me about the Duffys. How is Joe?

(Aside to La Salle.)

You know, La Salle, we have had a most painful experience. An accident happened in our mill a few days ago. One of our young fellows was so severely injured his arm had to be cut off.

LA SALLE.

That is unfortunate.

MARY.

Robert, it is heart-rending to see that poor boy's suffering.

HAWTHORNE.

Is he still in pain? He ought not have any pain.

MARY.

Yes, intense—largely mental—still suffering from the shock of the amputation. He has a very weak heart. He is a very handsome boy—very brave. The doctors couldn't give him an anaesthetic on account of his heart.

HAWTHORNE.

I feel frightfully sorry for him and his family.

MARY.

He begged me, if anything happened to him, to take good care of his mother and little sisters. Robert, it is dreadful!

HAWTHORNE.

It is dreadful.

MARY.

There can be no further argument about the proposition. My determination is irrevocable. We must sell those bonds. That will provide ample money to install the new machinery. We must adopt every possible safeguard so that a thing of this kind will not happen again; common humanity demands that we do this without delay.

HAWTHORNE.

But we can't sell $100,000 worth of bonds at this time for any such purpose—the money market is very tight.

MARY.

I know that we can sell them.

HAWTHORNE.

I think it will be impossible to finance this sale for such a purpose this year.

MARY.

It can be done, and it will be done.

HAWTHORNE.

La Salle, what do you think of the general financial situation?

LA SALLE.

I have very grave doubt—the country is not in a very prosperous condition.

HAWTHORNE.

Besides, Mary, competitive conditions at this time do not justify an expenditure for such a purpose.

MARY.

It is the same old argument—man's false sense of economy—the dollar as against the man—profits as against life and limb. My dear, you are too broad a man—too big for such thought. Now you won't, will you?

HAWTHORNE.

I am afraid your heart is running away with your head.

MARY.

Not at all—it is only my sense of justice tells me that we must be fair to those who are helping us build our fortune. Their security must be considered.

HAWTHORNE.

Until this one, we have had no accident in our mill for a long time—it seems to me that this safety machinery can wait.

MARY.

We will not wait, Robert—furthermore, on the first of the year we must put into execution our plan for a service and old age pension.

HAWTHORNE.

You mean your plan, Mary—not ours. This accident to young Duffy has made you lose all sense of proportion. How much pounding do you think the mill will stand?

MARY.

Why do you say I am pounding the mill?

HAWTHORNE.

Because you don't seem to realize that in these difficult times you can't always do just what you would like to do. We must guard and conserve until things are easier. What do you think, La Salle?

LA SALLE.

Why my judgment on your proposition really isn't worth anything. I'm a poor business man—that's why I'm always broke.

MARY.

There is no danger to our mill. We are as strong as Gibraltar, all things considered. It is true we have a large bond issue, but our resources are five to one and we are making a great deal of money.

HAWTHORNE.

Grant all that you say—it is likewise true that the strongest institution can be pulled down—the greatest ship afloat may sink if it strikes a rock.

MARY.

We are not going to strike any rock.

HAWTHORNE.

I hope not, dear, for your sake. There are lots of things a woman never can analyze or dissect. There is a sullen undercurrent among the mill hands.

MARY.

In what respect?

HAWTHORNE.

They want more pay. Your last year's ten per cent. increase is forgotten. There is considerable agitation among the families of the mill workers. The women are egging the men on.

MARY.

All right, that must be looked into. They must have what's fair Those who help create must share that which is created.

HAWTHORNE.

Burns is cutting prices again. That man will run me wild. His competition is something fierce. Do you know, lots of the trade think Burns makes the best flour in the world!

MARY.

Great for Burns.

HAWTHORNE.

I am going to force him to sell out to us. He has been very ugly lately. I have heard of a good many threats made by him. I will need all the money we can raise to buy his mill. He is coming here tonight. I telephoned him today that I wanted to see him on important business.

MARY.

You have no right to force John Burns to sell his mill to you; that isn't right; it isn't fair. Robert, what we should do is to help Burns all we can, and work in harmony.

HAWTHORNE.

What visionary nonsense, Mary. Great commercial enterprises are not built up that way. I don't want to hurt Burns, but you and I have been dreaming and planning big things. Unless we control and concentrate, how can we expect to endow that hospital, as we have planned?

MARY.

The hospital must not be built on the ruins of John Burns' mill.

HAWTHORNE.

Your theories are poetic—your logic pathetic. Forbearance in the world of trade never cemented a brick or bolted a girder.

Sentiment is all right in its way, but if you and I want to accomplish anything really worth while for humanity we must have big money. Would any of the great philanthropists have been possible but for gigantic, aggregated wealth?

MARY.

It is not giving, in the proper sense, to give that which you had no right to take in the first instance.

HAWTHORNE.

Nevertheless, it takes concentration—economy—elimination of competition—earnings—to secure real money,—and it takes real money to endow hospitals.

MARY.

I saw Erskine this morning, and he has practically agreed to underwrite the new issue of bonds. He promised to let me know tonight.

(The bell rings and Gregory admits Erskine.)

Here is Mr. Erskine now.

ERSKINE.

The bonds are all right—$100,000 at par—have them issued and our firm will place them.

MARY.

That is splendid. Now we can put in the new machinery.

LA SALLE.

These bankers charm money out of the blue sky.

HAWTHORNE.

That's why they call the new laws the "blue sky laws."

LA SALLE.

How odd it all is—a woman wills it, and forthwith the money gushes forth! I never could raise money that way.

HAWTHORNE.

You ought to have an inspiration of a wife!

ERSKINE.

A good looking and a clever one.

MARY.

Shall we have the pleasure of your company, gentlemen, for dinner.

ERSKINE.

No. I must be at the Union Club in fifteen minutes.

LA SALLE.

I should have been in my studio an hour ago.

ERSKINE.

My chauffeur will drive you there, La Salle.

LA SALLE.

All right. Goodnight.

ERSKINE.

Goodnight.

MARY and ROBERT.

Goodnight.

(Erskine and La Salle leave.)

MARY.

Shall we have dinner now?

ROBERT.

No—I am going to stay here and wait for Burns. I have made up my mind to have it out with him tonight. If I can get rid of his unfriendly competition I am going to do so. I have made up my mind to make him sell. Then we will have a pretty clear field.

MARY.

I am sorry you take this stand. Do be reasonable with Burns. He is not a young man any more. Try and see his side.

(The bell rings and Gregory admits John Burns.)

JOHN BURNS.

Good evening, Hawthorne; good evening, Mrs. Hawthorne. Too bad about the accident to young Duffy. I hear they are going to sue you for $30,000.

MARY.

I don't believe that possible. I saw them this evening. I told them we would pay whatever was fair and proper. They were very friendly and very grateful.

BURNS.

Just the same, Mrs. Duffy employed Judge Marshall today to sue you. I heard that on good authority.

ROBERT HAWTHORNE.

Ah, Mary—foolish woman! When will you ever learn anything about the working classes?

MARY.

I always have believed in the poor people. I always will believe in the poor people. God made the poor people. Man and his artificial laws make the rich ones.

(Mary retires.)

BURNS.

Well, I'll be damned! Hawthorne, your wife must have a dual personality. Isn't your wife a feminist and a suffragette?

HAWTHORNE.

Yes, Mary is a suffragette and a feminist.

BURNS.

Well, those women are driving the world straight to hell.

HAWTHORNE.

You don't think that.

BURNS.

I think just that. I heard an argument between a lot of

men in the mill the other day. One said: "Men are just dogs." Another said: "So are the women." Another fellow said: "As between man and woman, it is getting to be a case of dog eat dog."

HAWTHORNE.

You know no decent man said that.

BURNS.

You are much mistaken, Hawthorne—this woman's movement has set a lot of good men to thinking. You get out among men and hear them talk. They say worse than that.

HAWTHORNE.

All that women want is the right to vote—the right to be heard in their government—why shouldn't they? They pay taxes—they have just as much brains as men—they are more moral.

BURNS.

You don't know a damn thing about it—not one in five will ever vote if you let them. Women don't want political equality—they want sex equality—divorces—free love—no children—no homes—no firesides. It's all wrong and its's rotten.

HAWTHORNE.

No power on earth can keep women from securing the right to vote. You let negroes vote—criminals and ignorant men vote—drunkards—and those who haven't a dollar on earth vote—why shouldn't women vote?

BURNS.

If the vote was the beginning and the end of the woman's movement, it wouldn't cut much figure one way or another. The demand to vote is only a symptom of a deep-seated disease—a cancer that is gnawing at the vitals of our social life.

HAWTHORNE.

Only narrow-minded, selfish and congenitally crooked minds think that. Woman is the prop of the world.

BURNS.

Woman, in her proper sphere, is the prop of the world. Her proper sphere is the home,—as daughter, sweetheart, wife, mother. When she leaves the home, she leaves the sanctuary of life. The home is the holy of holies.

HAWTHORNE.

Woman is not leaving her home. She is only broadening her influence.

BURNS.

She is deadening and damning her influence. She is coming into fierce competition with men. She is taking by virtue of her sex, an unfair and an unnatural advantage of social and economic laws. As men are awakening to what the woman's movement means, they are beginning to have hatred and contempt where

once there was love and veneration. It means the destruction of civilization,—that's what it means.

HAWTHORNE.

Burns, you're an old crank and a pessimist. I'll make you a good proposition. Sell me your mill. I'll give you a good price. You can then retire. You won't have to compete with or worry about women. Why you—you—you can travel—that's it, travel—travel—see the world—take things easy.

BURNS.

Hawthorne, I will never—never sell you my mill. That's my mill. I planned that mill when I was a boy—almost sixty years ago. That was the dream of my youth—to be a miller —manufacture the staff of life. Why, Hawthorne, milling flour is my religion. See how we crush the grain of wheat—sift and shake out the chaff—cleanse—purify—perfect! Why that's just the way a human being is purified and perfected—crushed—sifted—shaken—cleansed. Hawthorne, that's the story of the cross; that's life that's death; that's the resurrection!

HAWTHORNE.

See here, Burns, that's all very philosophical, but damn it,—competition between our two mills is sapping our vitals. Both mills can't continue, as we are going. One or the other must sell, and it's best for you to sell.

BURNS.

You think because you have the largest mill—the most money, of a certain kind—that I must give in to you. Well, damn you, I won't! I know more about milling flour than you can ever know.

HAWTHORNE.

You are pigheaded, that's all; you can't survive. Come now, be reasonable. I tell you what I'll do: I'll give you $150,000 for your plant and good will.

BURNS.

What good would that do me? I owe almost that much.

HAWTHORNE.

How much do you owe?

BURNS.

That is none of your business.

HAWTHORNE.

But I'll raise my offer. I will put you on easy street.

BURNS.

I never lived on that street in my life. I never expect to.

HAWTHORNE.

Let me help you.

BURNS.

I don't trust you, Hawthorne. You have never given me a square deal. You cut corners. You take my best men away,

from me. You keep raising wages. You make my workmen dissatisfied. Last year you took my foreman, James Smith, away from me. He was the best foreman I ever had. I have had trouble ever since.

HAWTHORNE.

What is there improper in my taking a good man if it helps me—helps the man as well? In other words, if I can do a little better by a workman—for his good—my good—incidentally, it may not be for your good.

BURNS.

Do you call that fair and square? I don't.

HAWTHORNE.

Certainly it is fair and square. You are selfish in wanting to retain him,—I selfish in securing him. We are both looking out for our own interest. The workman is entitled to look out for his interest.

BURNS.

I have never interfered with your workmen.

HAWTHORNE.

The trouble with you, Burns, is—you are not a business man. You lack ability and foresight. You are not a good financier. You have no initiative, no daring; you whine and curse your luck. You say it is luck, and that I mistreat you, when it is you alone who is to blame.

BURNS.

I am a better business man than you.

HAWTHORNE.

You are a failure. Your career shows it. All of your opportunities have gone by. I am giving you a chance to get out. I'll make my offer large enough to give you a splendid fixed income.

BURNS.

I don't want your proposition—no part of it—I want you and your wife to let me alone.

HAWTHORNE.

What has my wife got to do with you?

BURNS.

I would have no trouble competing with you, if it was man against man. I would have had you whipped years ago. A man can battle with a man, but no man can battle with another man plus a woman.

HAWTHORNE.

True, I have had the assistance of my wife. She is, and has been, a great help to me; but how—in what way—does she enter between you and me—she has never wronged you.

BURNS.

It isn't fair. The game isn't fair. You are playing with

marked cards. A man has no chance in competition with a woman. No man can compete with a woman. Your wife gets the sinews of war—money—money—money—that enables you to fight me—to aim to strangle and destroy me. It is going too far. It has got to stop. I, or no other man, can compete with sex.

HAWTHORNE.

What in the world are you talking about?

BURNS.

What am I talking about? Don't you know what I am talking about? Don't you know what everybody knows—what everybody says—hears? Ha! ha! My God, man, are you deaf, dumb and blind?

HAWTHORNE.

Damn you, Burns, what do you mean?

BURNS.

Your wife! Ha! ha! ha! Your credit! Your initiative! Your daring! Ha! ha! Why your wife has belonged to Erskine for years! You wonderful man! Ha! ha! ha! ha! ha! ha!

HAWTHORNE.

You lie! You lie! You damned cur! You lie. I'll kill you for this, so help me God, you damned cur!

(They clinch and struggle. In the struggle Hawthorne falls and Burns goes away, shouting and laughing at Hawthorne.)

Watch your wife, not me!

(Hawthorne, dazed and trembling, totters and rings for Gregory.)

(Gregory appears.)

HAWTHORNE.

Gregory, call Mrs. Hawthorne for me.

(Gregory leaves.)

Can this be possible? No, no, it cannot be. Life would be as black as hell. It cannot be! It cannot be!

MARY.

What is the trouble, Robert? Please tell me—what is the trouble? What has happened?

(Hawthorne is sullen and silent—finally speaks.)

Mary—Mary—my Mary! Look at me, Mary! No, it is a lie! Mary, I worship you! Oh, my little Hope—no, it is a lie—it is not so! I'll shoot him tonight—tonight—shoot him like the cur that he is!

MARY.

Robert, what are you raving about? Tell me, won't you?

HAWTHORNE.

How can I tell you? Mary, I'm a man. Have I ever wronged you? I love you more than life. No, it is a lie—I know it is a lie—it could not be true—no, I won't tell you. Why it would be dishonorable to have a doubt! I'll kill him—I'll kill him tonight. Let me go—I say let me go!

MARY.

You are not going to leave this house until you tell me what this is all about. Whom are you going to shoot—kill—what for? I am your wife. I have a right to know. Think of me—think of Hope—all these years I have been struggling—fighting—fighting for you, Robert, and Hope—for humanity—now you talk of killing someone. What for? Don't you see this will involve all that you hold dear? You must confide in me. Let me help you. Can't you trust me?

HAWTHORNE.

That's just it, Mary—I do trust you—and this wicked, low-lived dog said I should not trust you. He assailed your honor and I'm going to kill him—the dog that he is—tonight—let me go!

MARY.

Who said it, and what did he say?

HAWTHORNE.

Burns—Burns—Burns—say—say—said I was deaf, dumb and blind. My God, Mary, I can't stand this! He said you had belonged to Erskine for years. His charge, as I understand it, was that I was selling you to Erskine for money—good God—why do you—shrink—hesitate—speak out, woman! It will drive me mad!

MARY.

Robert, you do not understand. You cannot understand—you cannot! Let me tell you.

HAWTHORNE.

Why what is there to understand? I would rather be torn to pieces, limb by limb,—I would rather be dead and in hell than that you—my wife—the only human being in the world that I trust—my Mary—should debase me. Can it be?

MARY.

You have got to bear with me! You must hear me! For many years I have tried to tell you. I have prayed to God every day to show me how, to tell me what to do. You are a man. You men never hear women speak. You don't know anything about women. You won't listen—you won't hear or learn—you only see the man's side—and with men there is no—there has never been—a woman's side.

HAWTHORNE.

What are you talking about? You must be crazy!

MARY.

I am not crazy. I want you to hear what I have to say. I am not a bad woman—I am not a criminal—I am not even an immoral woman—won't you listen to me?

HAWTHORNE.

How, in the name of all that honor holds dear, can you have anything to say that will excuse what you, in effect, admit—you have lost your mind!

MARY.

I haven't lost my mind. I am just as sane as you are. You are a rugged, brave, strong, logical man, and I love you—God knows I love you. No matter what the future holds for us, I will always love you. I want you to hear me out.

HAWTHORNE.

Go on—go on—I can never forgive you—I cannot forget—I am not that kind of a man. I have always been true to you. I cannot stand against Burns' charge. The world is black—inky black!

MARY.

What do you men think a woman is? Throughout the ages you have held woman as a chattel, a vassal—a slave. Do you men ever stop to think that up to fifty years ago you practically denied woman the right of education? Then, almost in a flash, civilization puts woman in the furnace of life—trade—the fires burn! Don't you know woman is just an animal, the same as man is an animal?

HAWTHORNE.

For pity's sake, woman, what has all this to do with you and me? Are you mad?

MARY.

Oh, Robert, come over here; sit down; let me show you, logically and analytically, that there is a woman's side.

HAWTHORNE.

Mary! Mary! Mary!

MARY.

You and I married twenty years ago. Oh, we were so happy—you and I. Our little boy and girl came. Then I lived in paradise. God took Tad from me—I don't know why. You know I became restless. I wanted to do something to divert my mind—I became ambitious. I saw more and more of your troubles and struggles. I did not want to be a parasite.

HAWTHORNE.

Yes, I know all that.

MARY.

You were gallant. You always favored women and women's progress. You encouraged me in my ambition.

HAWTHORNE.

Yes.

MARY.

I took hold of affairs. You consulted me—adopted many of my suggestions—I became enthusiastic.

HAWTHORNE.

Yes.

MARY.

Unconsciously—you may never have realized it—you began to lean on me—depend on my judgment—I became more and more aggressive.

HAWTHORNE.

What has all this to do with your honor?

MARY.

Listen please—hear me!

HAWTHORNE.

I am going to hear every word that you have to say.

MARY.

Helping in breadwinning brought me in contact with the world—man's world—your world—a cold, calculating world—a subtle and a ruthless one—where woman hasn't a chance for her life.

HAWTHORNE.

Yes, go on.

MARY.

You permitted me to receive the attention of men. Don't you remember the first time I met Erskine?

HAWTHORNE.

No. When? Where? How?

MARY.

With you. You introduced me to William Erskine—banker --multi-millionaire—man of the world—at Sherry's five years ago. He called at our home shortly thereafter—upon your invitation, not mine.

HAWTHORNE.

Yes, now that you recall it, I remember—that is right.

MARY.

You permitted him to call often. I know at first you were always at home—afterwards not. You permitted him to send—me to receive—flowers by the basket—the rarest orchids—candies—jewelry—elaborate—expensive—you never said a word.

HAWTHORNE.

Yes, that's so.

MARY.

We got in the habit of going to the opera. I know you went with us at first, and then you were bored and you encouraged me to go alone with Erskine.

HAWTHORNE.

But, Mary, decent men do that all the time. Society permits those things. That is no excuse.

MARY.

Society is a delusion and a snare—a spider's web—you made me Treasurer of the Hawthorne Mill.

HAWTHORNE.

Yes.

MARY.

I took an active interest in your business affairs—negotiated loans—met commercial and financial magnates.

HAWTHORNE.

Yes—yes.

MARY.

We got in the habit of going to week-end house parties—country homes—close association—men and women of the world.

HAWTHORNE.

That is a very common custom in society.

MARY.

You remember the time you were traveling in the West—you were away almost all that Spring. There was a house party ten days at Pineville—Erskine was there. You know he is a handsome, courteous, gallant man—tremendous magnetism and personality. We were building the west wing to our mill—having some difficulty in selling our bonds. I induced him to underwrite them—$250,000 worth—I was thrown much in his society. He is a very captivating man to a woman. The negotiations were hanging fire at the time. He is subtle. He was the man—I the woman. I learned something that every woman ought to know before she offers battle to the world.

HAWTHORNE.

Go on! Go on!

MARY.

When a woman goes into the market-place to trade—buy or sell—she cannot separate herself from her sex. I thought she could. Lots of beautiful, wholesome, well-intentioned women think she can, but she can't. A woman is an animal just like a man—just as weak—perhaps weaker—when she lays herself open to the strategy of man's cupidity—passion—attack. When a man trades with a woman, consciously or unconsciously, he trades for her soul.

HAWTHORNE.

My God, woman, you're mad!

MARY.

It may be called madness, but I am telling you the truth. You may not believe it, but what I say is the truth. God made men and women that way. Oh, Robert, please—you know that

I am a good woman—my love and ambition for you—my child—for place and power. That is the price the woman pays. Woman knows the price. She that does not know has not won. There may be an exception now and then—that but proves the rule. The many never win—but know.

HAWTHORNE.

And this is the end. It has come to this: I am a man. I thought I was a real man. Women are to be pitied; men despised. Mary, it's horrible. I forgive you. As for me—I cannot face the future. I am a weakling. I cannot face tomorrow.

(Hawthorne starts for his den, just off the library. Mary follows him. He pushes her from him. She follows. They struggle. He reaches the den. She pleads. A shot is heard as the curtain falls.)

(End of Act I.)

## ACT II.

SCENE:

Jacques La Salle's Studio, Central Park, South, New York City. One year intervenes between Act I and II.

Discovery as curtain rises:

Four models—PEGGY and JANE standing—VIVIAN and MADELINE seated.

JANE.

Vivian, you are Chairman of the Committee. You should make the main argument. We will help out when necessary.

PEGGY.

And don't be afraid—our Union now numbers 190 members. We are entitled to certain rights. We should have them.

MADELINE.

Every one of these artists must be made to understand we are going to stand firmly for our interests and protection. La Salle is a man of great influence. We must try and get him on our side.

JANE.

We have been organized now for a year. We haven't made much headway—no increase in pay so far. We must have living wages.

VIVIAN.

What points do you think I had better cover? You know if we demand too much we may never get anything.

JANE.

The main point is more pay. We must have more pay. None of us saves anything to speak of.

PEGGY.

I think one of the main points—our girls should have better protection. Some of our girls, lately, are having terrible times with their employers—the moral stuff—make that strong—I hate men, anyway!

MADELINE.

I hate women worse.

VIVIAN.

Girls, tell me, honest—what do you think of men, anyway?

JANE.

I never think about the men—most of the time I am too busy trying to make a living. When I am through with that I am too tired to think about anything or anybody.

PEGGY.

What do women think about women?

MADELINE.

That's where the trouble all comes in—women are all cats!

PEGGY.

Why, Madeline, aren't you ashamed?

MADELINE.

That's what they are. Believe me—I never trust a woman.

VIVIAN.

I heard Bona Vista say yesterday women are natural born thieves.

PEGGY.

The devil he did.

VIVIAN.

You know him—a dandy fellow—he knows women pretty well, all right—says he never saw or knew a bachelor girl who wouldn't steal another woman's husband—if she could!

JANE.

I don't call that stealing—that isn't stealing.

VIVIAN.

What is it—praying?

PEGGY.

Yes, what is it, anyway?

MADELINE.

That's it. What is it—and take it from me—it's pretty near true. If I ever get a husband, I, for one, will never introduce him to any girl.

VIVIAN.

I guess it's stealing, all right.

JANE.

But the code permits it—no law against it.

MADELINE.

That's the trouble—women listen to men—ever know a man who would not make love to a pretty girl? Women should not listen.

VIVIAN.

A man's medley—my wife is not the girl I should have married—we are not mated—my wife lacks atmosphere—she isn't a pal—I'm hooked wrong—they all sing it!

PEGGY.

But a girl is bad who lets a man tell her that sort of stuff.

JANE.

It isn't the women—it's the men.

VIVIAN.

How so?

JANE.

Men are born vultures—it's just the nature of the brute to prey on women. Every man is more or less of a gunman with women.

VIVIAN.

Wait till we get the ballot.

MADELINE.

We'll show the world a thing or two!

PEGGY.

We'll reform things.

JANE.

I don't know if we will,—at that. I hope so, but sometimes, deep down in my heart, I doubt it. Women haven't any logic. We are all silly. You know, girls, women were made to be made love to.

VIVIAN.

That's it; to have a Billy; to bill and coo. I never could figure it all out.

MADELINE.

Now in practice—addition—subtraction—it's funny.

PEGGY.

How?

MADELINE.

Add a woman to a man—

PEGGY.

Well?

MADELINE.

Answer one—subtract woman from man—answer two.

PEGGY.

That is funny—never thought of that.

MADELINE.

It's the only equation in life I know about where adding you get less and subtracting you get more.

VIVIAN.

Anyway—logical or not—we want to be free—women should be free!

MADELINE.

What do we exactly mean when we say we want to be free?

PEGGY.

Freedom means—free to do as we please.

JANE.

So long as we don't injure others.

VIVIAN.

Women are tired of belonging to men. We want equality with men.

JANE.

Who gave the men special privileges, anyway?

VIVIAN.

Oh, they got here first!

MADELINE.

That depends on biblical authority.

PEGGY.

Therefore, first come, first served.

JANE.

No, that isn't it at all—men claim superiority in physical and mental strength.

VIVIAN.

When we vote we'll change it all. The ballot will do away with superiority.

MADELINE.

There never was original superiority, anyway—only in brute force.

JANE.

The world must be ruled by reason and justice—not might.

PEGGY.

It will be all right—there are more women than men in the world—we can out-vote the men.

We will have the majority—democracy means the majority rule. My, but it's great! Women will rule the world.

(Enter La Salle.)

LA SALLE.

Well, what is this all about?

MADELINE.

We have the majority.

PEGGY.

We've got it all figured out. You men are in the minority—being the majority—this is a democracy—we've got the right to rule.

JANE.

You men have got to quit mistreating women.

VIVIAN.

And children.

MADELINE.

We are going to reform mankind.

PEGGY.

And make the world better and brighter.

JANE.

There's lots of room for improvement. We are going to work to right every wrong.

VIVIAN.

Man-made laws are one-sided, selfish and corrupt, anyway!

MADELINE.

We insist on votes for women—laws by and for women—happiness to and with women.

LA SALLE.

Please tell me, if you can, just exactly what it is that women want.

THE GIRLS.

(All together.)

What do we want?

LA SALLE.

Yes, that's it. What do you want? Lucidly and tersely stated, can you tell me?

JANE.

Vivian is Chairman of our Committee.

LA SALLE.

Committee of what?

MADELINE.

Our Union—the Models' Union.

LA SALLE.

I thought the Union was dead.

VIVIAN.

It is very much alive.

JANE.

We want you to help us.

PEGGY.

In helping us you are helping all women—and helping women you are helping all mankind.

LA SALLE.

Well, speak out—what do you want? Let me hear what you have to say.

VIVIAN.

We want living wages for ourselves—for all working women.

PEGGY.

We want our money when it is due, and we want laws that will make men pay us when it is due.

JANE.

We want better social conditions in every way.

MADELINE.

We want equal rights with men, and we are going to have them.

LA SALLE.

Oh, girls, you make me laugh. I'll tell you what you really want!

ALL.

Tell us.

LA SALLE.

A real good husband—something you will never get by ballot.

ALL.

How can I get him?

LA SALLE.

Easy.

PEGGY.

How can he be gotten?

LA SALLE.

Mother them—raise them—grow them! Aren't you all women? The world is full of women. Men are born of women. If women would be content to be mothers—good mothers—mothers—just plain, old-fashioned, good, everyday mothers—why the world would be growing real men.

PEGGY.

Why do you men always harp on the women—same old cry—mothers—be mothers—that's all we hear!

JANE.

It's the men that should be fathers!

MADELINE.

There are no more real flesh and blood men. The kind of a man I'd like to meet and marry is a man willing to die for the honor of a woman.

LA SALLE.

Why, girls, there are lots of men like that. When you ask a man to face that ordeal you must give him an ideal woman. Men are just the same as they have always been—no better—no worse—just plain men—it is not man's nature to worship the modern woman—the modern woman is not feminine.

PEGGY.

Woman had to become militant in order to force men to give her her rightful heritage.

JANE.

You know men have never been moral—always preaching virtue and practising vice.

VIVIAN.

When we get the ballot we'll stop this double standard business.

PEGGY.

Men shall not be favored.

LA SALLE.

No—women will share the standard.

VIVIAN.

We'll raise men up.

LA SALLE.

Or pull women down!

MADELINE.

What makes you say that?

LA SALLE.

Women are playing with fire—bah! Your modern woman—cocktails—cigarettes—tango—free love—hell!

VIVIAN.

What are the women to do? The men won't marry.

JANE.

We dare not ask them.

MADELINE.

I asked Jack. He refused me. I'll never make that mistake again.

PEGGY.

Soon there will be no marriages.

JANE.

Not a girl in our Union has had a decent proposal!

VIVIAN.

I've heard lots of them say that.

LA SALLE.

How can men marry? Women are turning the world upside down!

PEGGY.

Listen to that foolish, silly twaddle.

LA SALLE.

Women demand so much. They drive men so hard. No ordinary man can in this day and time earn enough to support a family.

VIVIAN.

Man's government! When women vote and rule that will change.

LA SALLE.

What's your theory?

JANE.

Theory? Economy—efficiency—morality.

MADELINE.

Honesty—a square deal all around.

LA SALLE.

See here, girls, I want to tell you something.

ALL.

(Together.)

Tell it.

LA SALLE.

I was born in Peoria.

ALL.

What a poor birthplace!

LA SALLE.

My father was a small merchant—never made over $1500 a year in his life.

JANE.

What could he do with that?

LA SALLE.

There was father—mother—three sisters.

VIVIAN.

A family of six.

MADELINE.

Poor girls!

LA SALLE.

You need not feel sorry for my sisters. They are all happily married to good Western American men. I am the youngest of the children. When my parents married, father bought a little cottage in Peoria on credit.

JANE.

Were they happy?

PEGGY.

Did they have anything to eat?

LA SALLE.

Plenty. Mother did her own work—no servants for mother. Mother made all the family clothes—used to make my jeans pants—they used to fit, too! Mother did all the cooking. My mother was a wonderful cook. Such smothered chicken! I can smell the fragrance of it yet.

VIVIAN.

I hate housework—same old thing every day.

JANE.

I hate sewing—stitch—stitch—stitch!

MADELINE.

I hate cooking—greasy pots and pans.

PEGGY.

What chance did your mother have?

LA SALLE.

Why, girls, my mother was the dearest, sweetest, little woman—my mother was an angel—she was a real mother! Many a time she tucked me in bed on a cold night. I wish I could find a girl like her to be the mother of my children.

VIVIAN.

How did they get along?

JANE.

They had to have clothes.

PEGGY.

They had to have food.

MADELINE.

Lots of shoes.

VIVIAN.

Did the children have any schooling?

LA SALLE.

They had everything—and what is more than all the riches in the world—we were all very—very happy. Everybody respected our family.

PEGGY.

How did they do it?

MADELINE.

What kind of clothes did they wear?

JANE.

They couldn't have had a great deal to eat.

LA SALLE.

Why, they had everything that is necessary in a clean, American family. Of course, they didn't have any fancy clothes. You know they wore gingham bonnets in those days—my, but I can see the pretty, dimpled cheeks of my sisters peeking out of those bonnets now—and my mother—how well I remember that old black grosgrain silk dress she wore on Sunday! I guess that dress was made over a dozen times—but we loved one another and our home was very happy.

VIVIAN.

$1500 per year for six—$250 per year apiece—and you say they bought a home?

PEGGY.

Why I earn $900 a year myself.

JANE.

Last year I made $1250.

MADELINE.

I only made $700.

VIVIAN.

I made $1500.

LA SALLE.

$900, $1250, $700, $1500—why that makes $4,350, all told.

PEGGY.

I could hardly make ends meet.

JANE.

I saved $50.

MADELINE.

I had to borrow $50 from a friend.

VIVIAN.

I bought a sand lot in Ocean View for a hundred dollars.

LA SALLE.

Why—do you know that you four girls made almost three times as much as my father ever made in any one year?

PEGGY.

Your father had no right to marry.

JANE.

And bring a family into the world.

MADELINE.

Make your poor mother work so very hard.

VIVIAN.

You children had no chance.

PEGGY.

I would never marry any man on that income.

JANE.

I think four children in a family are too many, anyway!

MADELINE.

It isn't fair to the children—my parents had ten. That's why I've had to work.

VIVIAN.

We women are going to change all this.

PEGGY.

When we get the ballot.

JANE.

There must be no more drudgery.

MADELINE.

No white slavery, of any character.

LA SALLE.

(Who has been listening in amazement.)

Wouldn't you girls rather have a little home of your own with someone you trust and respect to look up to—someone to dream with and build upon—little flaxen-haired kiddies to kiss your way along life's rocky road—someone to counsel—advise—inspire—enthuse? Girls—wasn't—isn't—the old way best—father's way—mother's way?

VIVIAN.

But see what we are winning;

LA SALLE.

See what you are losing.

(The bell rings and ERSKINE is admitted by LA SALLE.)

LA SALLE.

Erskine, old man, here's a good group of models—I said models—models of modern girls—ambitious girls—girls who want to vote—run the government! Allow me: Peggy—Jane—Madeline—Vivian——Mr. Erskine, my banker and friend.

PEGGY.

(Aside to the group.)
Isn't he handsome—magnetic?

JANE.

He must be very rich!

MADELINE.

I'd like to marry a man like that.

VIVIAN.

He must be liberal—looks like a good fellow.

PEGGY.

So few men in the world like that.

ERSKINE.

(To La Salle.)
I have to be at the Continental Trust Company at noon.

VIVIAN.

Come, girls, we must run along.

PEGGY.

You know our Union meets at 12:30.

(As they leave, PEGGY to LA SALLE.)

Say, do you know—I'd like to have a little home of my own and a lot of little blue-eyed kiddies.

LA SALLE.

That's easy for a girl like you—if you only knew.

(The girls leave.)

ERSKINE.

By, jove, that's a pretty bunch of girls!

LA SALLE.

Suffragettes—feminists—it's awful!

ERSKINE.

Have you any word from Mary and Hope? What are they going to do?

LA SALLE.

God knows, old man! It's all up to you.

ERSKINE.

I am through. I won't help another dollar. I haven't seen Mary but two or three times in the past year. Whatever she needs done she sends Hope to me—always with George Burns. Hope is a damn pretty little vixen, and very smart—wonderful little figure—almost a Venus! Now—but what's the use—she won't let me talk to her.

LA SALLE.

You have got to stand by the Hawthorne Mill.

ERSKINE.

I will do nothing of the kind. The Continental Trust is preparing to file its bill for a Receiver. The interest on the first mortgage bonds is six months past due. Our attorneys

claim the mill is insolvent. It's bound to go down. The mortgages must be foreclosed.

LA SALLE.

This is all your fault. You had no right to withdraw your support after Hawthorne's death, and treat these women as you have.

ERSKINE.

What claim have they on me? Mary Hawthorne closed her home against me when Hawthorne killed himself. I've been a mighty good friend to Mary Hawthorne. Besides—my own affairs are not in the very best of condition.

LA SALLE.

Mary Hawthorne has paid you a frightful price for your friendship—for her ambition—her business career!

ERSKINE.

Life is a trade—you buy and sell your joys and sorrows—you can't always dictate the price.

LA SALLE.

Yes—but you were trading with a woman.

ERSKINE.

That's it. Don't you remember what Balzac says, describing two men: "The one learned enough to doubt—the other ignorant enough to believe." I would paraphrase that epigram and make it read: Man learned enough to doubt; woman ignorant enough to believe.

LA SALLE.

Erskine, I know—as men go—you are not a bad sort of a fellow. You have a weakness for women. Many decent men have that uncontrollable weakness. I know the entire history of your friendship with Mary. It's all too horrible to contemplate. I know human beings pretty well—men—women—it is not for me to say that either one of you was exactly to blame. Life is a fierce game—you were both playing the game. I don't think either one of you fully understood what you know now—but if either one is to be blamed it's you, Erskine—its you!

ERSKINE.

Why me?

LA SALLE.

Oh, you were a married man—she was a wife and mother. Mary Hawthorne is a good woman—you were a strong man—you had more sense—you knew the world. She didn't have a square deal. You should have protected her.

ERSKINE.

Why she was a free woman. No one had any chains on her. She was fighting the battle called "equality of the sexes." The women have named it—

LA SALLE.

Why you knew then—you know now—that the battle isn't equal—it never was and never will be. Under the circumstances and conditions surrounding you and Mary Hawthorne—I'm talking of the psychological conditions—the psychological sex proposition—there isn't a woman in the world—just as there isn't a man in the world—that can meet the test. It never has been met—it never will be met.

ERSKINE.

I am not to blame. She was human—I was human. She was playing what we call "the game"—so was I. Mary Hawthorne wasn't content to be a wife and mother. She wanted a career—wanted to be somebody—do something—that's what women are crying for now-a-days—run the mill. Women had better let men run the mill. The mill grinds and crushes men—and it will grind and crush women.

LA SALLE.

You had no right to play with her soul.

ERSKINE.

Bosh, old man, women's souls are getting too cheap! The bargain counter is overloaded. She is to blame—not I.

LA SALLE.

I am not going to argue the question with you any further,—but, for pity's sake, do not let that property be taken away from those women. It is all they have in the world.

ERSKINE.

I can't save it. The directors of the Continental Trust Company have determined to foreclose. I don't control the board. I am only one director. Anyway, I will go to the meeting and I will be back here in about thirty minutes—if you say Mary and Hope are coming here.

LA SALLE.

They had an appointment to meet me here at 12:30. I am expecting them almost any moment. I trust that you will help them.

ERSKINE.

Keep them here. I will come back before they leave.

(Erskine leaves.)

LA SALLE.

(Lights a pipe and seats himself, half reclining, on an artistic settee; blows smoke for about a minute, musing as follows:)

What a strange thing a human being is—psychic—emotional—temperamental—passionate— headstrong— uncontrollable -selfish—conceited—weak—yes, with all, weak—who is to judge men—women? Men and women playing the game of life are like boys spinning tops. The master of the game winds them

up and throws them out. They spin and spin, and then—ah, well!

(The bell rings and La Salle admits George Burns, Mary and Hope.)

La Salle.

Hello, Mary! How are you, Hope? Glad to see you, George.

Mary.

We are a little late. We couldn't help it. We simply had to go and see the Duffys this morning. You know Joe died last night.

Hope.

They telephoned us. We had to go and help them.

Mary.

Every which way I turn the hand of fate is against me.

Hope.

Now, mother, don't think that—and please, mother, don't say it.

George Burns.

What word, La Salle, from the Continental and Erskine? I saw their laywer yesterday—a very fine old fellow—gave me his word that he would do all he could to reorganize the mill and its finances—said it all depended on Erskine. There are nine men on the board of directors. They are equally divided on the question of foreclosure, standing four to four. Erskine is Chairman of the Board. It seems his vote will control the question as to what is to be done. He said that Erskine was friendly to the Hawthorne Mill.

Mary.

It looks very bad—almost hopeless.

La Salle.

Erskine is at the Continental meeting now. He will be here again very shortly.

George Burns.

I have submitted a bully plan to father for consolidation of the two mills—but dad is very stubborn. I have made no impression on him so far. He doesn't want to have anything to do with Mrs. Hawthorne.

La Salle.

That would be the real solution of the problem. There must be some way to bring this about.

Hope.

We can't blame George's father. He's a hard-headed Scotchman of the old school. He has his peculiar ideas—can't see women in business for a minute—one's prejudices of a life-time are not easily overcome.

MARY.

I don't think any of you really understand the true siuation. I *know* William Erskine—I have known him for some time—I have been taught a few things about certain types of men.

LA SALLE.

What is your point of view?

MARY.

Erskine could consolidate these two mills—reorganize, finance and prosper them—at his will—if that was his desire. He has a price—his price! All men have a price. He is crafty—subtle. My instinct and knowledge of Erskine tell me what is amiss. I think I know what is in his mind and heart. I think I have known for some time.

GEORGE BURNS.

Now, Mrs. Hawthorne, don't be too severe on Erskine. You can never tell—you may be wrong—he may help us. He may be the bridge that will carry us over to safety.

MARY.

George, has your father never talked to you about Erskine?

GEORGE BURNS.

Father never has. I have asked him several times. He never says a word—father doesn't like him, that's all; but father is a very prejudiced man. The truth is, Mrs. Hawthorne, I don't know or understand very much about my father.

LA SALLE.

It may be, Mary, that Erskine will cast his vote on the board of directors for the Hawthorne Mill. Of course, I see what is running through your mind—it is damnable—it never occurred to me until a little while ago that such a thing was possible.

MARY.

I know the toll that the keeper charges to cross the bridge.

LA SALLE.

Don't you think it feasible, George, to finance the Hawthorne Mill independently, or in consolidation with your father's mill, through some other trust company or group of bankers?

GEORGE BURNS.

I think not. You know Erskine's ramifications extend through every financial institution in New York. In one way or another he or his friends have an influence on every board of directors. He will close every channel if we try to go over his head.

HOPE.

There isn't any use in worrying, mother—please don't cry—be calm—control yourself. If the worst comes, let the mill go. There ought to be a good equity in it, in any event. You and I don't need very much to live on comfortably.

LA SALLE.

Erskine says that the Continental claims that the mill is insolvent.

MARY.

The mill is not insolvent. Its assets exceed its liabilities two for one. We have lost a great deal of money the past year, but that has been because someone has been battering our credit. It has been almost destroyed. There is a good equity in that mill even under foreclosure at this time—but we will never realize a dollar from it. Erskine won't let us.

GEORGE BURNS.

Why, Mrs. Hawthorne, we will fight him for it—fight him to the death.

HOPE.

I don't know—I think mother is right—we won't get it. I think I see some of the drift of Erskine's recent innuendoes to me. Do you know, mother, I think that man is wicked!

LA SALLE.

Oh, Hope, don't take everything that a man says too seriously.

MARY.

If a woman would take what man says and his attitude to her more seriously, she would be less often deceived about herself.

LA SALLE.

The more I see of life, the more I become convinced that the old civilization was the best. It is true that men held women in subjection—but it was for woman's good.

HOPE.

I don't exactly get that—we are not slaves.

LA SALLE.

God created us male and female—He had a reason.

MARY.

When woman goes to a man's mill he uses her for grist.

LA SALLE.

Yes, the better way is the old way—let the man bring the flour home—let the wife do her milling in the home.

MARY.

Erskine has collected his last toll. Hope, we will let the mill go, if that is the alternative!

HOPE.

We will find a way.

GEORGE BURNS.

Perhaps some day you will let me find a way—anyway, you must not worry. I must get downtown. I am going over and have another talk with father. We will work this out in some way. Bye-bye for awhile.

(Just as BURNS is leaving, the bell rings and LA SALLE

goes to the door with BURNS. BURNS is going out as ERSKINE comes in and ERSKINE brushes against BURNS, stumbles and almost falls. BURNS leaves.)

ERSKINE.

Confound the luck! I wish you women would cut this young limb of the law out. Young lawyers are a damn nuisance.

HOPE.

George Burns is a gentleman.

ERSKINE.

Are you sparking with Burns?

HOPE.

How could that possibly be of any interest to you?

ERSKINE.

I should think you would have more judgment—a little tact. I thought you had depth. Why don't you show a little sense?

HOPE.

I wish you would let me alone. I am tired of your hounding me. I am beginning to see through you.

ERSKINE.

You might have a little gratitude when I am trying to save you and your mother.

HOPE.

You trying to save us—you scoundrel!

LA SALLE.

Oh, Hope, please don't!

HOPE.

Does this blackguard think I am going to sacrifice myself and my love for George, for—for—oh, it's unspeakable!

ERSKINE.

The Continental Trust Company will commence its action to foreclose the Hawthorne mortgages tomorrow. I am through. Good day.

MARY.

Oh, no, William Erskine, you are not through—our accounts are not closed, by any means.

ERSKINE.

Get out of my way, Mary.

MARY.

You are in your own way.

ERSKINE.

Let me go! It was a cursed day that I first met you.

MARY.

You say that—you who have taken the toll—and demanded more? You think your money and power give you license to

use a woman as a doll or a football, whichever happens to please your passing whim or fancy?

ERSKINE.

I am through with you and yours forever.

MARY.

I am not through with you.

(ERSKINE pulls away from her toward the door and as they reach the foyer she shoots him as the curtain falls.)

(End of Act II.)

## ACT III.

SCENE:

Supreme Court, New York County, Part I, Criminal Branch. (Three months intervene between Act II and III.)

DISCOVERY:

Courtroom—STENOGRAPHER seated at his table. FIRST AND SECOND COURT OFFICERS busy arranging counsel table and chairs. (MILL MEN and STRANGER: straggle in during dialogue between COURT OFFICERS.)

FIRST COURT OFFICER.

How long do you think, Hardman, the trial will take?

SECOND COURT OFFICER.

Don't know.

FIRST COURT OFFICER.

Let's see—been at it now seven days. What do you think of the jury?

SECOND COURT OFFICER.

I never think.

FIRST COURT OFFICER.

I like the jury. The foreman is a sympathetic looking man. It's a hard case. I'm thinking it will go hard with the defendant. The law is against her.

SECOND COURT OFFICER.

Don't know the law.

FIRST COURT OFFICER.

The newspapers may help the defendant. They seem to favor her.

SECOND COURT OFFICER.

Don't read newspapers.

FIRST COURT OFFICER.

Judge seems fair to both sides. Judge Brewster is a mighty fine Judge.

SECOND COURT OFFICER.

Don't know the Judge.

FIRST COURT OFFICER.

Austin's making good as District Attorney—smart fellow, Austin—says he's going to convict the defendant.

SECOND COURT OFFICER.

(Grunts.)

FIRST COURT OFFICER.

How many more witnesses do you reckon the defendant is going to call? They've been going now two days.

SECOND COURT OFFICER.

I never reckon.

FIRST COURT OFFICER.

I like that young lawyer, Burns—he has a great future, in my judgment.

SECOND COURT OFFICER.

I've got no judgment.

FIRST COURT OFFICER.

I hope the defendant takes the stand.

SECOND COURT OFFICER.

I never hope.

FIRST COURT OFFICER.

The defendant is a beautiful woman.

SECOND COURT OFFICER.

A woman is a woman.

FIRST COURT OFFICER.

Hardman, you ought to be on a fixed post—you're so stationary!

(THE JURY file in, led by THIRD COURT OFFICER—take their seats in the box. The DISTRICT ATTORNEY comes in—takes a seat at counsel table. JOHN BURNS and JACQUES LA SALLE come in and sit down. HOPE and MARY come in, accompanied by BURNS. Each lawyer has two young assistants.)

GEORGE BURNS.

Good morning, Austin.

AUSTIN.

Good morning, Burns.

FIRST COURT OFFICER.

(Knocks and announces:)

"Everybody rise—the Justice of the Court.

"Hear ye, hear ye, the Honorable, the Supreme Court in and for the County of New York is now in session, pursuant to adjournment. Draw near, give your attention. You shall be heard."

JUSTICE BREWSTER.

Be seated, gentlemen.

(Twenty or thirty seconds elapse.)

Gentlemen, are you ready to proceed? MR. BURNS, call your next witness, please.

GEORGE BURNS.

I will ask Jacques La Salle to take the stand.

(La Salle is sworn by the Clerk, as follows:)

"Do you solemnly swear, in the case of the People of the

State of New York against Mary Hawthorne, in which you are now about to give evidence, to speak the truth, the whole truth, and nothing but the truth, so help you God?"

LA SALLE.

I swear.

GEORGE BURNS.

Mr. La Salle, you have testified very fairly and frankly for the State. May I ask you to tell his Honor and the jury if you ever had any conversation with the defendant about the deceased William Erskine's relations with defendant prior to her husband's death?

LA SALLE.

I did.

GEORGE BURNS.

State the conversation.

AUSTIN.

I object. Such a conversation cannot be material upon any issue involved in this trial.

JUSTICE BREWSTER.

What is the relevancy, Mr. Burns?

GEORGE BURNS.

The defense expects to show, in the course of the trial, the cause of this killing. This evidence is a circumstance. I want to show the defendant's relations to the deceased and her state of mind during the period intervening between her husband's death and the death of Mr. Erskine.

JUSTICE BREWSTER.

The Court will take the testimony.

GEORGE BURNS.

The Court says you may answer, Mr. La Salle.

LA SALLE.

I did have several conversations with Mrs. Hawthorne. She told me the entire history of her experience with Mr. Erskine—how it all came about. She detailed to me the circumstances connected with the discovery by her husband of the situation. She said the humiliation of it all caused her husband to take his life. Hawthorne was a very proud and sensitive man and could not stand the sorrow of it all. It seems he felt that he was largely to blame. The defendant was very despondent and melancholy and brooded all the time.

GEORGE BURNS.

Did you ever have any conversation with Mrs. Hawthorne as to William Erskine's attitude to her daughter Hope?

LA SALLE.

I did.

GEORGE BURNS.

State the conversation.

AUSTIN.

The State objects. It is irrelevant and immaterial.

JUSTICE BREWSTER.

I will take it.

GEORGE BURNS.

Go ahead. What did she say?

LA SALLE.

She said to me that she thought Erskine had an evil design in respect to her daughter.

GEORGE BURNS.

You may inquire, Mr. Austin.

AUSTIN.

I have no questions.

JUSTICE BREWSTER.

Stand aside, Mr. La Salle. Call your next witness.

GEORGE BURNS.

Will Miss Hope Hawthorne take the witness stand?

THE CLERK.

Do you solemnly swear, in the case of the People of the State of New York against Mary Hawthorne, in which you are now about to give evidence, to speak the truth, the whole truth, and nothing but the truth, so help you God?

HOPE.

I do so swear.

GEORGE BURNS.

Miss Hawthorne, how long did you know William Erskine?

HOPE.

About five years.

GEORGE BURNS.

Was Mr. Erskine a frequent visitor in your parents' home before your father's death?

HOPE.

He was.

GEORGE BURNS.

Did you ever see Mr. Erskine in your mother's home after your father's death?

HOPE.

Never.

GEORGE BURNS.

Did you have occasion to call at Mr. Erskine's office at any time after your father's death?

HOPE.

Very often.

GEORGE BURNS.

In whose company?

HOPE.

Always with you, Mr. Burns, with the exception, I think, of two or three times.

GEORGE BURNS.

When was that?

HOPE.

When you were out of town, Mr. Burns.

GEORGE BURNS.

What was the cause or occasion of your calling on Mr. Erskine?

HOPE.

Mr. Erskine's trust company—the Continental—was, and is, the trustee in all of the mortgages on the Hawthorne Mills. The mill keeps its main checking account with the Continental. Naturally, our business transactions are very large. We required the use of a great deal of money. My mother's mental and nervous condition has been such since father's death that she has not been able to transact very much business. It devolved on me. There was no one else to do it.

GEORGE BURNS.

Why was it necessary for you to see Mr. Erskine?

HOPE.

The officers of the Trust Company would always refer me to Mr. Erskine. He seemed to be the one man who passed on every question involving the Hawthorne Mills. They always said that whatever Mr. Erskine said would go through.

GEORGE BURNS.

What do you mean—go through?

HOPE.

Be fully approved by the officers and directors of the Trust Company.

GEORGE BURNS.

After your father's death did the mill prosper?

HOPE.

No, sir.

GEORGE BURNS.

Can you tell the jury any of the reasons why it did not prosper?

AUSTIN.

The State objects. What interest have the Court and jury in the prosperity of the Hawthorne Mill?

GEORGE BURNS.

May it please the Court, this evidence is essential and material for it tends to show the underlying motives of Mr. Erskine's conduct and its effect upon this defendant, thus unfolding to your Honor and the jury the cause and occasion of defendant's act.

JUSTICE BREWSTER.

The Court will take the evidence, Mr. Austin. I think the evidence may be of great importance to the defendant.

GEORGE BURNS.

You may now answer, Miss Hope.

HOPE.

Shortly after father's death, for reasons that I did not at that time understand, but which since that time have become perfectly plain to me, the Continental Trust Company changed its entire attitude of trust and confidence in our mill.

GEORGE BURNS.

In what way?

HOPE.

The credit of the mill was cut down gradually and we were constantly subjected to criticism and annoyance. When I would go with you, Mr. Burns, to the officers of the Trust Company they would invariably send us to Mr. Erskine.

GEORGE BURNS.

And what would he do?

HOPE.

In the early days he was very gracious and courteous to me—treated me as if I was his own daughter—always straightened things out; after that, for every knot that I got untied, I gradually came to know that Mr. Erskine would tie five new ones.

GEORGE BURNS.

How could you come to know that?

HOPE.

The officers of the Trust Company didn't always have their history and arithmetic correct, and their statements and figures often crossed wires with Mr. Erskine's, so I came to know as time went by—and of course I see it more plainly now—we weren't getting a square deal from Mr. Erskine.

GEORGE BURNS.

Go on.

HOPE.

The business of the mill fell off in various ways. We found the commercial agencies were being given false information concerning the mill, and we had a great deal of trouble with the trade on that account.

GEORGE BURNS.

Go on.

HOPE.

Finally things went from bad to worse. We defaulted on our interest on our first mortgage bond issue. This naturally brought things to a crisis. The question of foreclosure was hanging in the balance for about two months.

GEORGE BURNS.

What was the attitude of Mr. Erskine toward the foreclosure of the mortgages on the mill?

HOPE.

He always tried to make us believe that he was doing all in his power to help us with the Trust Company with the mortgages and the reorganization. Finally it developed that he really was the cause of all our trouble.

GEORGE BURNS.

How do you know that?

HOPE.

I think you first secured the information from the lawyers for the Company, Mr. Burns, after mother's trouble. All of the directors said that was a fact. It seems not to have been disputed by anyone.

GEORGE BURNS.

You have said that at first Mr. Erskine's attitude to you was very fatherly.

HOPE.

It was.

BURNS.

Did his attitude afterwards change?

HOPE.

It did.

BURNS.

Tell the jury when and how.

AUSTIN.

May it please the Court, we object to this evidence. Its tendency is plainly to create prejudice against the memory of Mr. Erskine—to create sympathy for the defendant. It is not claimed here, I take it, that Mr. Erskine ever actually wronged this young lady, and his attitude toward her could not have justified his death.

GEORGE BURNS.

The evidence is offered, may it please the Court, for this purpose: It should properly be considered in connection with the defendant's experience with William Erskine before Mr. Hawthorne's death, and Mr. Erskine's conduct toward Mrs. Hawthorne thereafter—his attitude toward the mill—its mortgages—and the general trend of events. If this defendant killed Mr. Erskine under these circumstances, she might not be considered guilty of murder in the first degree. It is for the jury to say.

JUSTICE BREWSTER.

I will take the evidence. The Court will define its view of the defense and the evidence during the course of the trial.

GEORGE BURNS.

The Court permits you to testify, Miss Hawthorne.

HOPE.

It is proper for me to say that I did not at first understand Mr. Erskine—I had always been led to believe that he was a very distinguished and honorable gentleman. Many—many things were said by him to me, from time to time, that I did not understand—had I been worldlywise, I would have known their meaning and import. It was really only on the day that my mother shot Mr. Erskine in Mr. La Salle's studio that the full situation dawned on me and his true intent was disclosed. It then became evident that he was bent either on the destruction of our mill—my own sacrifice—or something else that at that time I did not understand.

GEORGE BURNS.

Had you ever told your mother of any conversation had with Mr. Erskine?

AUSTIN.

We object.

JUSTICE BREWSTER.

Objection overruled.

GEORGE BURNS.

Please answer.

HOPE.

I can't say that I always told my mother every word that was said, but, in substance, I think I did. Mother had my complete confidence at all times, and I think I have always had hers.

GEORGE BURNS.

That is all. You may inquire, Mr. Austin.

AUSTIN.

Miss Hawthorne, pardon me, you do not claim that Mr. Erskine ever personally harmed you? Is there any such claim?

HOPE.

There is not.

AUSTIN.

You may stand aside.

JUSTICE BREWSTER.

Call your next witness, Mr. Burns.

GEORGE BURNS.

I am going to ask Mary Hawthorne, the defendant, to take the stand.

THE CLERK.

Do you solemnly swear, in the case of the People of the State of New York against Mary Hawthorne, in which you are now about to give evidence, that you will speak the truth, the whole truth and nothing but the truth, so help you God?

MARY.

I swear to speak the truth, so help me God.

GEORGE BURNS.

Mrs. Hawthorne, what is your age? Where were you born?

MARY.

I am thirty-nine years of age. I was born in Westchester County, near White Plains, on a farm—my great-grandfather's farm, originally.

GEORGE BURNS.

Who was your great-grandfather?

MARY.

He was a soldier in General Washington's army. His name was Boone. He was killed in the battle of White Plains.

GEORGE BURNS.

I show you a pearl-handled pistol. Do you recognize it? What do you know about it?

MARY.

Yes; that is a pistol that I won in a contest, at a house party, some three years ago. It was a prize given by Mr. Erskine for the best pistol shot at thirty yards.

GEORGE BURNS.

How did you come to have this pistol on the day that you shot Mr. Erskine?

MARY.

I have carried that pistol for three years, Mr. Burns. I always carried it in my hand-bag. Mr. Erskine used to tell me that I should never be without it—especially around the mill. Foolishly, I did carry it. I never had any thought of shooting anybody—certainly not Mr. Erskine. My mind and reason were simply overpowered by what seemed to me to be his determination to destroy me or my child.

GEORGE BURNS.

What was the cause of your husband's death?

AUSTIN.

I object to the question. The answer must necessarily involve a conclusion, and it cannot have any bearing on the defendants' guilt.

JUSTICE BREWSTER.

How is it admissible, Mr. Burns?

GEORGE BURNS.

The answer is a predicate for testimony I purpose developing, showing a condition in this defendant's mind—a condition of psychic emotionalism, inconsistent with reason or restraint,—demonstrating an inability to appreciate or understand the nature or character of her act.

AUSTIN.

May it please the Court, there is no principle of unwritten law obtaining in this State and the learned counsel is endeavoring to weave a theory of defense unknown to our law.

GEORGE BURNS.

The defense maintains, may it please your Honor, that in order to convict the defendant upon this indictment, it must appear that defendant killed William Erskine with malice aforethought. There must have been willful design and premeditation. It must have been a voluntary and willful act, and it must be so found by this jury. It is for the jury to determine. I claim that this defendant was in a psychic—temperamental—emotional condition, wherein her mind was beyond her control. I want to show the cause of that condition of her mind.

AUSTIN.

This is a subtle refinement, intended to bring into this defense the so-called unwritten law. It is simply giving the jury a cause for acquittal.

JUSTICE BREWSTER.

As generally understood, the laws of the State of New York do not recognize the so-called unwritten law. The courts of our country are often called upon to apply settled rules of law to new and varying conditions. Much law—and for all that judge-made law—has been handed down to support property rights. The Court is inclined, in this case, to exercise its prerogative in the interest of human rights. The Court could conceive of a situation here that would morally and legally justify the defendant's acquittal. Mind you, I am not suggesting that she should be acquitted. Far from it. All that the Court rules is that the defendant may unfold to the jury the history of this situation, and, if it is in her power, convince the jury of her lack of guilt under the law. You gentlemen must remember that in order to convict this defendant of murder, the jury must believe her act to have been a consciously intentional one.

AUSTIN.

I again assert—may it please the Court—that all this will be merely giving the jury an excuse to acquit the defendant on the ground of the unwritten law.

JUSTICE BREWSTER.

My dear counselor, the bible commences the story of mankind with an excuse.

AUSTIN.

If this theory of defense is permitted in this day and time—when women are fighting in competition with men—when passion and sex are more or less inseparably interwoven into almost every contract and employment—men will be at the mercy of women.

JUSTICE BREWSTER.

The momentousness of the social and civil equation is not the subject before the Court. The Court is dealing with a concrete case of human life under given circumstances. If it should happen—I do not say that it should happen—that my view results in the acquittal of this defendant, it will at least serve

to call the attention of the world to what the feminist movement involves. Men and women must take the reckoning.

GEORGE BURNS.

I repeat the question. What was the cause of your husband's death?

MARY.

My husband—through a channel not necessary to relate—became advised that I had violated the conventional standard of married life—William Erskine being the link in my chain of misfortune—the link that had broken—the one that could not stand the strain of the test. You—you know what I mean—the thing in the game that men and women play in trade and commerce that was, and is, fundamental—beyond human control—the sex equation. I tried to show my husband—whom God knows, I worshipped—how the sequence of events had woven its evil coil around me—how I—a woman—no stronger or weaker than the average normal woman confronted with a given situation—a strong, handsome, magnetic man—physically attractive—very wealthy—liberal beyond expression—brilliant intellect—ready, interesting talker—opportunity—aggressive, masculine man—I a woman—just a woman. The realization came to him that he, in permitting me the freedom that present society accords woman, had fallen short of the real man that he had pictured himself to be—that blind drifting with modern custom made him, in a measure, responsible for a shattered and broken ideal. He said he forgave me—that I was only partly to blame——but, as for him, he could not face the world.

GEORGE BURNS.

What effect did your husband's death under these circumstances have on you?

AUSTIN.

I object. The question calls for a condition or state of mind—a conclusion. It is improper.

JUSTICE BREWSTER.

The answer may be a statement of fact. Its truthfulness is for the jury to pass upon. The jury are entitled to have the defendant's statement. They may, or may not, believe it. You may answer, Mrs. Hawthorne.

MARY.

My mind was almost destroyed. Every day was a living hell. It seemed as if my heart was being torn out of my bosom.

GEORGE BURNS.

State, briefly as you may, Mr. Erskine's conduct toward you and the Hawthorne Mill after your husband's death.

MARY.

I saw him only two or three times—never alone, with one exception. I forbade him coming to my home, and, naturally, he became very indignant and exacting. I could not talk to him,

as his presence became repulsive to me—in fact, loathsome. The Hawthorne Mill became involved in financial difficulties. You know, Mr. Burns, that I placed everything in your hands. Of course my daughter has been of great help to me.

GEORGE BURNS.

Can you tell us any instance in connection with the mortgages on the mill that you specially remember?

MARY.

Yes. When we were first threatened with foreclosure, Hope and I went to Mr. Erskine's office one day to plead with him to save our property. He received us very courteously. He asked me to talk things over with him privately in his adjoining office. I agreed, and did so. At first he was very reasonable. Then he insisted on my resuming my former relation to him. I refused point blank. Death would have been preferable. He became very insulting. I left his office instantly.

GEORGE BURNS.

And then?

MARY.

I never saw him personally after that until the day I met him in Mr. La Salle's studio.

GEORGE BURNS.

Did you hear from or communicate with him?

MARY.

Only through you and my daughter, with one exception. After I had refused to see him or talk to him he wrote me a letter—only once—one letter.

GEORGE BURNS.

Have you that letter?

MARY.

I have.

GEORGE BURNS.

Please let me have it.

MARY.

This it the letter.

GEORGE BURNS.

We offer the latter evidence.

AUSTIN.

Permit us to examine the letter.

(They examine it at length.)

We object to the introduction of this letter. First, there is no proof of its authenticity. We think its contents inadmissible.

GEORGE BURNS.

Can you identify the handwriting, Mrs. Hawthorne?

MARY.

I can.

GEORGE BURNS.

Whose handwriting is it?

MARY.

It is the handwriting of William Erskine. I am perfectly familiar with his handwriting.

JUSTICE BREWSTER.

The stenographer will mark the letter in evidence.

(Letter marked in evidence.)

GEORGE BURNS.

(Speaking to Mary.)

Please read the letter.

MARY.

(Reading.)

"My dear Mary:—

"I have been trying to see you for a month. I have repeatedly tried to phone you. Your maid always says you are not at home. I know she lies. I have called at your home several times. Your butler always says you are not at home. He lies. I must see you. I want to have a heart to heart talk with you. It is the quick or the dead. Do not be a fool. Life is not steel or stone. It is flesh and blood—give and take. We are two human beings. In mercy's name, be human. You are one of the women who have been fighting and crusading for equal rights for women. You secured equal rights from your husband. Well, Mary, life is a war. General Sherman said: "War is hell." When the bullets begin to fly around you pale and sicken. Why, every woman who wants to fight either with or against men must take the chances of war, and those whose blood is not clogged with chalk will do what you did, nine times out of ten. Come out and play. My heart is aching for you.

William Erskine."

GEORGE BURNS.

What happened when you received this letter?

MARY.

I did not answer it. Of course, I realized that his letter contained a great deal of truth. Would that all women knew it! This letter shows you as well, in a large measure, the type of the man.

GEORGE BURNS.

What happened next?

MARY.

It was a few weeks after that we met in the studio.

GEORGE BURNS.

Tell the Court and jury what occurred in the studio.

MARY.

We were expecting that morning a final answer from Mr. Erskine as to the foreclosure. I cannot remember all that

occurred. It is all a frightful dream to me. I was in a terribly nervous condition. Erskine got into an argument with my daughter, Hope. The conviction came to me that Erskine either intended to force Hope to bend to his will or he was fighting me with my child and the mill foreclosure to make me bend to his will. He was fighting the way men know how to fight, and I did the only thing a woman could do—I killed him.

JUSTICE BREWSTER.

The Court will stand adjourned until tomorrow morning.

THE COURT OFFICER.

Hear ye, hear ye, this Court will now stand adjourned until tomorrow morning at 10:30 o'clock.

(Curtain.)

(End of Act III.)

## ACT IV.

SCENE:

The John Burns Mill, East River, near New York end Brooklyn Bridge.

(The morning after the Jury was instructed.)

DISCOVERY:

(A young lady filing papers in a cabinet. A stenographer taking dictation from John Burns. Two stenographers typewriting. Workmen passing to and fro in the Mill.)

(The office is at the side of the stage and a partial perspective shows some of the machinery of the Mill.)

JOHN BURNS.

(Dictating to First Stenographer.)

"I have been neglecting my business for the past two weeks. My son has been trying his first big murder case. My personal interest has kept me in the courtroom when I should have been in the mill."

(Gets up and walks about very nervously.)

(The stenographer and mill hands all show nervousness.)

(Continuing to stenographer.)

I am so nervous my feet are freezing.

(Continues dictating.)

"I would like to have your lowest figure on $50,000 for 90 days, with option of renewal for another 90 days if I need it—"

Damn it, I'm so nervous I can't think. I wonder what the jury has done.

FIRST STENOGRAPHER.

Why not put your work aside, Mr. Burns, until the afternoon?

JOHN BURNS.

I must. I can't think. I can't sit still. If that jury convicts Mary Hawthorne you girls can have my mill—I'm going to quit this country.

FIRST STENOGRAPHER.

I wouldn's say that, Mr. Burns. What would you do? Where would you go?

JOHN BURNS.

Go? Go? I'd go to Egypt, Japan, China, Fiji Islands—I'd go to hell!

FIRST STENOGRAPHER.

I couldn't sleep last night. I read and walked the floor all night.

JOHN BURNS.

I haven't had a night's sleep for a week.

SECOND STENOGRAPHER.

(Begins to cry.)

Mr. Burns, I'm so agitated I can't work. Please—do you think they could convict Mrs. Hawthorne?

FILE CLERK.

They wouldn't convict her if we had a few women on the jury!

JOHN BURNS.

Who can tell what a jury will do? Nobody!

JAMES SMITH (Foreman).

(Comes in excited)

My God, Mr. Burns, I'm worried to death. I had to go by the courthouse before coming to work. I stayed around until one o'clock this morning. At that time there was still no news from the jury.

JOHN BURNS.

Yes. The morning papers state that as late as two o'clock there was no verdict.

SMITH.

I found out at the courthouse that the jury have been up all night. Mr. George said that it was rumored that the jury stood ten to two for convicting Mrs. Hawthorne of murder in the first degree. He is almost in a state of collapse.

JOHN BURNS.

I don't believe that rumor. I have been on too many juries. Those courthouse rumors are seldom reliable.

SMITH.

That was a gruelling cross-examination that the District-Attorney gave Mrs. Hawthorne. It would be terrible if the jury convicted her. Mr. George made such a wonderful speech yesterday—everybody says so—but they say around the courthouse that he has staked everything on the unwritten law, and the Judge charged the jury that the unwritten law didn't obtain in New York State. Now, of course if it was a Southern jury, they wouldn't pay any attention to that charge. They would know that it was the Justice's duty to make that statement in his charge—but in our Southern civilization jurors generally know a man's duty to a woman—at least, they knew it in the old days, when I lived down in Alabama, where women were idealized. It may be different now. The new woman is changing things a bit everywhere.

JOHN BURNS.

Oh, New York men are just the same kind of men as Southern or Western men—I think they'll play the part of men.

SMITH.

I don't know—I'm almost crazy! You know, Mr. Burns, I love Mrs. Hawthorne. You remember when Mr. Hawthorne

took me away from you—gave me more wages—of course, I had to go—I had my wife and seven children to support.

JOHN BURNS.

(Speaking nervously.)

I didn't know you had seven then.

SMITH.

Yes—seven then—seven now. Well, Mrs. Hawthorne was an angel around the Hawthorne Mill. She was always looking out for everybody. When Mr. Hawthorne died she came to me and said: "Mr. Smith, I never liked the idea of your being taken away from the Burns Mill. I want you to go back to old man Burns, and, if he will do as well by you, take your old position with him. He may need you."

JOHN BURNS.

You never told me that.

SMITH.

I know I didn't. Mrs. Hawthorne made me promise not to tell you unless I had to.

JOHN BURNS.

Mary Hawthorne is a marvelous woman. I never have understood her.

SMITH.

Women are mighty hard to understand, Mr. Burns. Do you believe in votes for women?

JOHN BURNS.

I do not. No greater blunder has ever been made in the world.

SMITH.

Why so?

JOHN BURNS.

Smith, you are a well educated man and a bright fellow. Have you ever studied the psychology of women's hats?

SMITH.

No, I have not. Just what do you mean?

JOHN BURNS.

Hats have a great deal to do with disposition—temperament character—logic—brains. I don't believe in the new woman because she doesn't fit her millinery.

SMITH.

That's too subtle for me. What do you mean?

JOHN BURNS.

Women's minds are diverted by feathers and flowers—the feminine brain is a bon-bon brain.

SMITH.

But you admitted a little while ago that Mary Hawthorne was a marvelous woman.

JOHN BURNS.

The spirit that mothers men is a marvelous spirit.

SMITH.

But there are some noted women who are doing men's work famously.

JOHN BURNS.

They are not feminine—they are masculine. I know lots of men who would make good wet nurses!

SMITH.

Don't you enjoy clever women?

BURNS.

As a diversion—yes; as a steady diet—no.

SMITH.

My, it's past two o'clock. I'm so nervous I can't go to work.

JOHN BURNS.

This suspense is terrible. I don't know what is the matter with that damn jury. They are now out eighteen hours. Strange I don't hear from George.

(The phone rings and Burns answers the phone.)

Hello, hello! What's that? For God's sake can't you talk a little louder? I can't hear what you say. This is John Burns—yes. My son says to tell me that it is rumored that the jury have about agreed on their verdict; that they have sent a message to the Judge. Some one point they want cleared up before coming in with a verdict. The Judge will be on the bench in a little while—he's so excited he can't phone—oh! George is so excited he can't phone. My, this is terrible.

(The girls begin to weep. Each one takes out her handkerchief. Smith runs out in the mill and shouts to the men that the jury have almost agreed. A number come in. They are nervous and excited.)

SMITH.

If the Judge answers that question, the verdict ought to be returned pretty quickly, and we ought to know before very long just what they are going to do.

FIRST STENOGRAPHER.

I think we ought to pray for Mrs. Hawthorne.

SMITH.

Yes, let us pray to God for Mrs. Hawthorne. Mr. Burns, won't you say the Lord's Prayer?

(They all involuntarily drop on their knees.)

JOHN BURNS.

"Our Father which art in Heaven, hallowed be Thy name. Thy kingdom come. Thy will be done in earth as it is in Heaven. Give us this day our daily bread and forgive us our debts as we

forgive our debtors, and lead us not into temptation, but deliver us from evil: For Thine is the kingdom, and the power, and the glory forever, amen."

(They all rise and impatiently move about. After about a minute or two of silence the telephone bell rings and John Burns nervously takes the phone.)

JOHN BURNS.

Hello, hello! George says: jury found the defendant guilty. What—what—guilty or not guilty? What did they do? Did they acquit her? That's it—they acquitted her. Thank God! You say George started for the mill five minutes ago. Thank you—thank you.

SMITH.

Thank God!

(Smith throws his arms around Burns and Burns around Smith. The girls cry, and the mill hands and the girls congratulate John Burns. The horn of a taxi is heard. George Burns enters.)

GEORGE BURNS.

Father, we won—we won!

(Burns senior and junior embrace.)

JOHN BURNS.

God bless you, my boy! Where is Mary? Where is Hope?

GEORGE BURNS.

Mary fainted. I left her with the boys from my office and La Salle. I couldn't wait. Dad, I've almost lost my mind. Give me a drink of water, someone—please. La Salle is going to bring them here.

JOHN BURNS.

What was the trouble with the jury?

GEORGE BURNS.

They tell me it was awful. The jury was very much divided. Some were for conviction for murder in the first degree—some for manslaughter—five or six for acquittal. They said they argued—they fought—they prayed—it was a close call. It must have been terrible.

JOHN BURNS.

What was the trouble?

GEORGE BURNS.

The woman question, dad—the woman question! Men are divided on it. It's awful!

JOHN BURNS.

you. I wish your mother was here. I wonder if she knows.

Well, my boy, I'm proud of you. I never thought it was in

GEORGE BURNS.

Dad, mother was with me all through that trial. I felt her presence all the time. I'm sure she knows all about it. I hope I may always be worthy of her.

JOHN BURNS.

Well, George, you've always been a good son.

GEORGE BURNS.

Dad, I want you to do me a favor.

JOHN BURNS.

What is it?

GEORGE BURNS.

I want you to agree to my plan of consolidation of the Burns and Hawthorne flour mills. We will call it the Burns-Hawthorne Mills.

JOHN BURNS.

I'll agree, George—I'll agree to anything you want me to do. Have you talked it over with Mary Hawthorne?

GEORGE BURNS.

No, not lately; but I know she will trust me. Hello, that sounds like them now.

(Taxi horn blows. Enter LA SALLE, HOPE and MARY.)

LA SALLE.

I congratulate you, Mr. Burns, your boy is a wonder.

HOPE.

Oh, I knew that George would win. I knew we couldn't lose!

MARY.

(Crying.)

What can I say, Mr. Burns? I owe my life to you and your son. It was all perfectly wonderful!

JOHN BURNS.

Now—now—sit—down; be calm—be calm. A little water, girls—a little water.

(Stenographer brings water.)

Be calm. George wants to consolidate the mills under his plan. It's agreed—I'll do anything you want to do. George has a wonderful plan; it's all right—we'll all be happy.

MARY.

(Crying.)

I want to sell the mill. I never want to have anything to do with business again.

GEORGE BURNS.

Never mind, you won't be troubled—dad will run the mill and I'll help the work along. It will all come out O. K. I have the plan—you trust me, don't you?

MARY.

You know I trust you.

GEORGE BURNS.

Hope, my little girl, do you trust me?

HOPE.

I always have.

GEORGE BURNS.

Say you always will. Will you be my wife?

HOPE.

What does mother say?

GEORGE BURNS.

What does mother say?

MARY.

It would make me very happy.

GEORGE BURNS.

What does Hope say?

HOPE.

I will be Mrs. George Burns on one condition.

GEORGE BURNS.

You may name any—every condition.

HOPE.

Let me stay at home and never ask me to help run the mill.

GEORGE BURNS.

I promise.

(Curtain.)

(End of Act IV.)

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